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PATENT
Attorney Docket 044574-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Dario C. Altieri et al.**) Group Art Unit: 1643
Application No. 10/042,302)
Filed: **January 11, 2002**) Examiner: **Alana Harris**
For: **Detection of Survivin in the Biological) Allowed: **August 25, 2005**
Fluids of Cancer Patients**) Confirmation No. **5541**

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Issue Fee
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

1. Transmitted herewith is a Submission of Replacement Drawings in response to the Notice Regarding Drawings dated December 15, 2005.
2. Additional Papers Submitted:
(i) Copy of Notice Regarding Drawings
(ii) Copy of Form PTO-948
(iii) Four (4) sheets of replacement drawings (Figure 1 to Figure 4)
3. Constructive Petition: Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **February 15, 2006**
Morgan, Lewis & Bockius LLP
Customer No. 09629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP

Robert Smyth

Robert Smyth
Registration No. 50,801



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Application No. **10/042,302**,) Examiner: **Alana Harris**
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SUBMISSION OF REPLACEMENT DRAWINGS

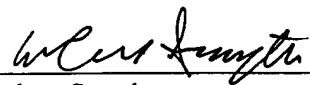
Submitted herewith are four (4) sheets of replacement drawings containing Figures 1 to 4. It is respectfully requested that these drawings be approved and replace the as-filed informal drawings in the above-identified application.

Applicants note that replacement formal drawings were previously submitted on May 13, 2002 at the request of the Office and no subsequent notice regarding formal drawings was mailed by the Office until December 15, 2005 (after payment of the issue fee). Applicants therefore submit that there has been no delay on behalf of Applicants in responding to the requirement for formal drawings and as such, no change to the Patent Term Adjustment should be made upon patent issuance.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **February 15, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER 10/042302	FILING/RECEIPT DATE 01/11/2002	FIRST NAMES APPLICANT ALTIERI, DARIO C.	ATTORNEY DOCKET NUMBER 044574-5098-US
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

Examiner
HARRIS, ALANA

Docketed 12/19/05 Attorney RSS|SPT
Case 044574-5098
Due Date February 15, 2006
Action RECTIFIED Drawings
By WB Chk

Art Unit
1643

Paper Number

Date Mailed: 12-15-05

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 05/13/2002 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review
Nhan Tang -703-305-0333 - Ext. 132

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RECEIVED

DEC 19 2005

MORGAN, LEWIS & BOCKIUS LLP



Form PTO-948 (Rev. 06/03)
Application Number 10042302

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 5/13/02 are:

A. approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

Color drawings are not acceptable until petition is granted. Fig(s) _____

Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

One (1) full-tone set is required. Fig(s) _____

Photographs may not be mounted. 37 CFR 1.84(e)

Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____

Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

Paper not flexible, strong, white, and durable. Fig(s) _____

Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2x 11 inches)

All drawing sheets not the same size.

Sheet(s) _____

Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

Margins not acceptable. Fig(s) _____

Top (T) _____ Left (L) _____

Right (R) _____ Bottom (B) _____

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

Views not labeled separately or properly.

Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-4

11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) 1-4

Solid black shading not permitted. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s) _____

Figure legends are poor. Fig(s) _____

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____

English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____

Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS.

37 CFR 1.84(t)

Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate. Fig(s) _____

Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer Tang

If you have questions, call (703) 305-0333x132

Date 12/15/05

Attachment to Paper No. _____